

HB 209 CS

2005
CS

CHAMBER ACTION

1 The Health Care Regulation Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to administration of medication to public
7 school students; creating s. 1006.0625, F.S.; defining the
8 term "psychotropic medication"; prohibiting a recipient of
9 state funds from requiring a student to be prescribed or
10 administered psychotropic medication as a condition of
11 receipt of educational services financed by state funds;
12 providing requirements for administration; providing a
13 restriction relating to referral for diagnosis or
14 treatment of mental disorders without full disclosure;
15 providing requirements for disclosure; providing an
16 effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Section 1006.0625, Florida Statutes, is created
21 to read:

22 1006.0625 Administration of psychotropic medication;
23 prohibition; conditions.--

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24 (1) As used in this section, the term "psychotropic
25 medication" means a prescription medication that is used for the
26 treatment of mental disorders and includes, without limitation,
27 antihypnotics, antipsychotics, antidepressants, anxiety agents,
28 sedatives, psychomotor stimulants, and mood stabilizers.

29 (2) A recipient of state funds shall not require a student
30 to be prescribed or administered any psychotropic medication as
31 a condition of such student receiving educational or school-
32 based services, including, but not limited to, school
33 enrollment, class attendance, extracurricular activity
34 participation, or school-related event attendance, that are
35 financed in whole or part by state funds. A psychotropic
36 medication shall be administered pursuant to s. 1006.062.

37 (3) A school or school district personnel shall not make a
38 referral for diagnosis or treatment of any student for any
39 disorder listed in the Diagnostic and Statistical Manual of
40 Mental Disorders without full disclosure. The disclosure must
41 include the fact that there is no medical test for a disorder,
42 that the behaviors could be the result of underlying physical
43 conditions, that the parent should consult a medical doctor to
44 rule out physical causes, that the parent has the right to
45 refuse the psychological screening, and that the label of a
46 mental disorder will stay on a student's permanent record.

47 Section 2. This act shall take effect upon becoming a law.